

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE ENROLLED ACT No. 1830

AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-11-2-133, AS AMENDED BY P.L.138-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 133. (a) "Municipal waste", for purposes of:

- (1) IC 13-20-4;
- (2) IC 13-20-6;
- (3) IC 13-20-21;
- (4) IC 13-20-23;
- (5) IC 13-22-1 through IC 13-22-8; and
- (6) IC 13-22-13 through IC 13-22-14;

means any garbage, refuse, industrial lunchroom or office waste, and other similar material resulting from the operation of residential, municipal, commercial, or institutional establishments and community activities.

(b) The term does not include the following:

- ~~(1)~~ **(1)** Industrial waste (as defined in section ~~109.5~~ of this chapter);
- ~~(2)~~ **(1)** Hazardous waste regulated under:
 - (A) IC 13-22-1 through IC 13-22-8 and IC 13-22-13 through IC 13-22-14; or
 - (B) the federal Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), as in effect on January 1, 1990.
- ~~(3)~~ **(2)** Infectious waste (as defined in IC 16-41-16-4).
- ~~(4)~~ **(3)** Wastes that result from the combustion of coal and that are

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referred to in IC 13-19-3-3.

~~(5)~~ **(4)** Materials that are being transported to a facility for reprocessing or reuse.

(c) As used in ~~subsection (b)(5)~~, **subsection (b)(4)**, "reprocessing or reuse" does not include either of the following:

- (1) Incineration.
- (2) Placement in a landfill.

SECTION 2. IC 13-11-2-193 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 193. "Restricted waste", for purposes of IC 13-20-21, means waste disposed of at a restricted waste site (as defined in ~~329 IAC 2-2-1(b)(46)~~: **329 IAC 10-2.5-1(b)(57)**).

SECTION 3. IC 13-11-2-206 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 206. "Solid waste disposal facility", for purposes of **IC 13-19-3-8**, IC 13-20-4, and IC 13-20-6, means a facility at which solid waste is:

- (1) deposited on or beneath the surface of the ground as an intended place of final location; or
- (2) incinerated.

SECTION 4. IC 13-11-2-208, AS AMENDED BY P.L.138-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 208. "Solid waste landfill", for purposes of ~~IC 13-20-7.5~~, IC 13-20-9, **IC 13-20-21-6**, and IC 13-22-9, means a solid waste disposal facility at which solid waste is deposited on or beneath the surface of the ground as an intended place of final location.

SECTION 5. IC 13-11-2-212 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 212. (a) "Solid waste processing facility", for purposes of **IC 13-19-3-8**, IC 13-20-4, and IC 13-20-6, means a facility at which at least one (1) of the following is located:

- (1) A solid waste incinerator.
- (2) A transfer station.
- (3) A solid waste baler.
- (4) A solid waste shredder.
- (5) A resource recovery system.
- (6) A composting facility.
- (7) A garbage grinding system.

(b) The term does not include a facility or operation that generates solid waste.

SECTION 6. IC 13-19-3-8.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 8.2. The department may modify a permit to prohibit**

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the processing or disposal of specific solid waste at:

- (1) a solid waste disposal facility; or
- (2) a solid waste processing facility.

SECTION 7. IC 13-20-1-1, AS AMENDED BY SEA 174-2001, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:
Sec. 1. This chapter does not apply to an individual, a corporation, a partnership, or a business association that in its regular business activity:

- (1) produces solid ~~or industrial~~ waste as a byproduct of or incidental to its regular business activity; and
- (2) disposes of the solid ~~or industrial~~ waste at a site that is:
 - (A) owned by the individual, corporation, partnership, or business association; and
 - (B) limited to use by that individual, corporation, partnership, or business association for the disposal of solid ~~or industrial~~ waste produced by:
 - (i) that individual, corporation, partnership, or business association; or
 - (ii) a subsidiary of an entity referred to in item (i).

SECTION 8. IC 13-20-8-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:
Sec. 9. (a) A generator that ships solid waste to a waste-to-energy facility must, before the facility accepts the solid waste, notify the facility if the solid waste meets any of the following criteria:

- (1) The solid waste contains:
 - (A) a volatile:
 - (i) liquid; or
 - (ii) solid;
 - (B) a powder;
 - (C) a flammable material;
 - (D) an allergen; or
 - (E) a sensitizer.
- (2) The solid waste:
 - (A) was segregated from other solid waste; or
 - (B) received special preparation for shipment.
- (3) The solid waste is a bulk material.
- (4) The solid waste is a waste resulting directly from a manufacturing process.

(b) The notification under subsection (a) is required before each shipment by a generator of solid waste in bulk quantities to a waste-to-energy facility.

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SECTION 9. IC 13-20-21-6, AS AMENDED BY P.L.138-2000, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. **(a)** For solid waste, the disposal fees are as follows:

| | Fee |
|---|---------|
| Municipal Solid waste disposed into a municipal solid waste landfill per ton | \$ 0.10 |
| Industrial Solid waste disposed into a nonmunicipal solid waste landfill per ton | \$ 0.10 |
| Municipal Solid waste disposed of at into an incinerator per ton | \$ 0.05 |
| Construction\ Demolition Solid waste disposed into a construction\demolition waste site per ton | \$ 0.10 |

(b) There is no solid waste disposal fee for solid waste disposed into a solid waste landfill permitted to accept restricted waste solely generated by the person to which the permit is issued.

SECTION 10. [EFFECTIVE JULY 1, 2001] **(a) The solid waste management board shall adopt rules under IC 4-22-2 before July 1, 2003, to reflect the elimination and repeal of:**

- (1) references to industrial waste in this act; and**
- (2) references to special waste in SECTIONS 2, 5, 6, 7, 9, and 11 of P.L.138-2000.**

(b) This SECTION expires July 1, 2003.

SECTION 11. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2001]: IC 13-11-2-109.5; IC 13-20-4-8; IC 13-20-7.5; P.L.138-2000, SECTION 10.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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